

REMARKS

Claims 1-8 are pending in the application. Favorable consideration is requested.

At the outset, applicant thanks the Examiner for withdrawing all of the previous rejections in this case. With respect to the new rejections raised in the Office Action, applicant has the following comments.

The Office Action lodges the following rejections against the claims:

1. On pages 2-3 of the Action, claims 1, 2, and 5 stand rejected as allegedly being obvious over Kawaguchi (USP 5,403,529).
2. On page 3 of the Action, claims 3 and 4 stand rejected as allegedly being obvious over Kawaguchi in view of Kudert (USP 6,332,767).
3. On pages 4-5 of the Action, claims 6-8 stand rejected as allegedly being obvious over Kawaguchi in view of Langecker (USP 4,883,630).

Turning first to the rejection of claims 1, 2, and 5 based solely upon Kawaguchi, applicant traverses the rejection for at least the following reasons.

The rejection fails to set forth a prima facie case of obviousness. Claim 1 reads as follows:

1. A dose comprising:

a molten multilayer dose for compression molding, having an axis of symmetry for the realization of multilayer objects by compression molding, comprising

a first synthetic resin and

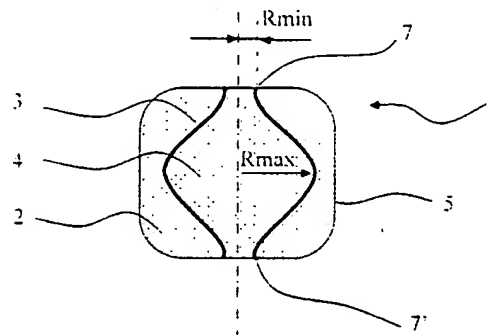
a functional layer imprisoned in said first resin, said functional layer

representing less than 20% of the volume of the multilayer dose,

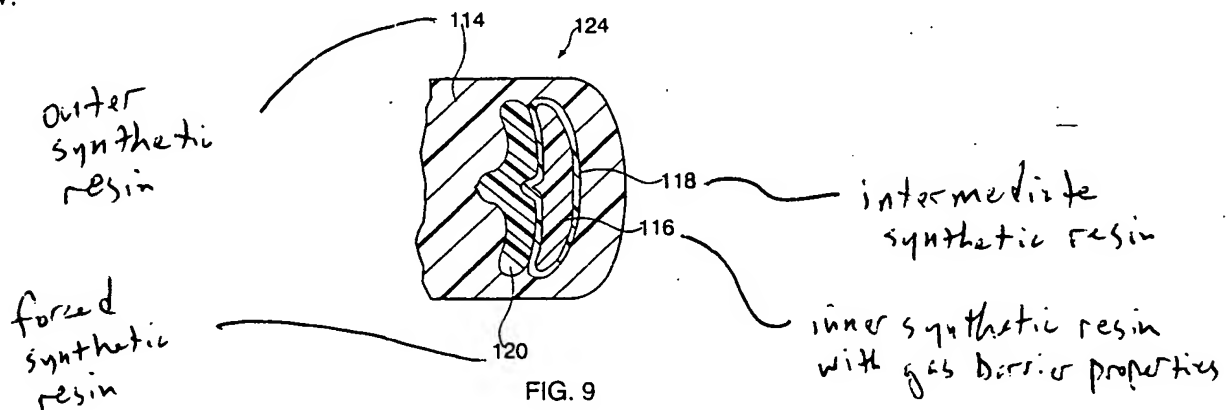
wherein the functional layer forms the shell of a body of revolution about the axis of symmetry and the distance from the functional layer to the axis of symmetry is variable as measured before compression molding.

As required by independent claim 1, the applicant's dose comprises "a molten multilayer dose for compression molding" ... "wherein the functional layer forms the shell of a body of revolution about the axis of symmetry and the distance from the functional layer to the axis of symmetry is variable as measured before compression molding." Kawaguchi nowhere discloses or suggests at least the foregoing underlined features. These claim features are shown in applicant's Figure 14, which is reproduced below.

Figure 14



Kawaguchi nowhere discloses or suggests the foregoing configuration. Instead, Kawaguchi discloses a completely different configuration as shown in Figure 9 of Kawaguchi as reproduced below.



As clearly described in Kawaguchi, the Kawaguchi invention provides "a method and apparatus in which the length of an inner synthetic resin within an outer synthetic resin in a composite

synthetic resin is reduced by forcing a forced synthetic resin flow behind intermittent flows of the inner synthetic resin.” Column 2, lines 49-54 of Kawaguchi -- the “Summary of the Invention.” In Figure 9 of Kawaguchi, the outer synthetic resin is 114, **the inner synthetic resin having alleged gas barrier properties is 116**, this inner synthetic resin is contained within an intermediate synthetic resin 118, and a forced synthetic resin 120 is located next to or behind the intermediate synthetic resin 118. Reference No. 124 corresponds to a cut composite synthetic resin material.

This Kawaguchi cut composite synthetic resin material is quite different than Figure 14 and claim 1 of the subject application. Moreover, the Kawaguchi composite synthetic resin material does not have any functional layer that forms the shell of a body of revolution about the axis of symmetry, nor does Kawaguchi’s composite synthetic resin material contain a functional layer forming the shell of a body of revolution about the axis of symmetry and the distance from the functional layer to the axis of symmetry is variable as measured before compression molding. This requisite distance is shown by R in Figure 14 of the subject application. As confirmed by a reading of claim 2, R cannot be 0. This further confirms that the functional layer forms a shell of a body of revolution about the axis of symmetry. Kawaguchi’s inner synthetic resin 116 having gas barrier properties (**which is actually a solid blob of resin**) forms no such shell of a body of revolution about the axis of symmetry.

In fact, Kawaguchi teaches away from the claimed invention because Kawaguchi’s solid blob of resin is the antithesis of applicant’s shell formed around the axis of symmetry. Indeed, Kawaguchi’s forced synthetic resin 120 would distort and destroy Kawaguchi’s intended structure if resin 116 was anything other than a solid blob of resin.

For at least the foregoing reasons, Kawaguchi does not render obvious independent claim 1, dependent claim 2, or independent claim 5 that contains the same distinguishing features as independent claim 1.

In view of the fact that Kawaguchi does not provide any prima facie case of obviousness, applicant requests the withdrawal of the rejection of claims 1, 2, and 5.

With respect to the rejection of dependent claims 3 and 4 based upon a combination of Kawaguchi and Kudert, and with respect to the rejection of dependent claims 6-8 based upon Kawaguchi in view of Langecker, applicant submits that these rejections must also be withdrawn because independent claim 1 from which claims 3 and 4 and 6-8 depend has not been rejected on any proper obviousness grounds. Moreover, no one skilled in the art could combine Kawaguchi's Figure 9 and its corresponding disclosures with anything in Kudert and Langecker and arrive at the claim 1 or claim 5 inventions of the applicant -- without hindsight reconstruction and a deconstruction (destruction) of Kawaguchi's cut composite synthetic resin material.

For at least the foregoing reasons, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

THOMASSET et al
Appl. No. 10/591,117
July 6, 2010

Respectfully submitted,

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